



Memorandum of Meeting

Date: May 18, 2006

Time: 5:30 to 8:30 PM

Location: CHEER Center, Georgetown, Delaware

Topic: **Georgetown Area Working Group Meeting No. 13**

Attendees: See list on page 10

Bob Kramer called the meeting to order at 5:50 PM. Mr. Kramer thanked the working group for their continued attendance and mentioned that tonight's discussion will focus on key issues affecting the Alternatives Retained for Detailed Study (ARDS) and project schedule. Mr. Kramer stated that due to the time since the last working group meeting in February, some of tonight's presentation will reiterate points from the previous meeting. Furthermore, he said that one of the key points the project team will take away from tonight's meeting is how the team can best help the public understand the project status at the upcoming June public workshops.

Monroe Hite, III welcomed the working group members and stated that the next round of public workshops will be held in June, with a workshop scheduled for 4:00 to 7:00 PM on Monday, June 5 at the CHEER Center. Additional workshops will be held in Milford, Lincoln, Millsboro, and Selbyville. He asked that working group members see Ed Thomas and Andrew Bing for extra copies of the flyers for the workshops.

Mr. Hite reminded the group that updated notebook materials have been provided and indicated that the purpose of tonight's meeting is to do the following:

- Review traffic questions from the last meeting,
- Inform the working group members about alternative shifts,
- Review and discuss issues associated with each alternative, and
- Discuss upcoming schedule and workshops.

Mr. Hite informed the working group that construction began on the short-term improvements at the intersection of US 113/SR 18/SR 404 last Monday, with the intent to



wrap up construction in July. The project team is continually looking for additional opportunities for short-term improvements throughout the US 113 corridor.

Mr. Hite then told the working group that the project team will be adding agricultural impacts to the matrix and economic analysis. The Milford area working group asked the project team to perform this analysis, and DelDOT agreed to do it in all US 113 project areas. The team met with representatives from the agricultural community and the Delaware Department of Agriculture in the past few weeks to discuss the methodology for the effort.

Traffic

Mr. Hite then introduced Jeff Riegner to discuss the traffic issues introduced during the last working group meeting. Mr. Riegner first responded to questions about the function of The Circle during peak hours. Current volume entering The Circle during the summer peak hour is about 1,850 vehicles, close to The Circle's capacity of about 2,000 vehicles per hour. In particular, the North Bedford Street and East Market Street approaches are near or at capacity. Lit Dryden asked whether removing the signal at East Market Street and Race Street would help. Mr. Riegner replied that because the transportation network is operating so close to capacity, it may be beneficial to study the implications of removing the signal. However, such a study is outside the scope of US 113 improvements.

Mr. Riegner then addressed the intersection of US 113 and South Bedford Street. The current level of service (LOS) at this location is C, which is acceptable. Based on current forecasts and assuming consistent growth between now and 2020, operation of the intersection is expected to become unacceptable (LOS E) between 2010 and 2015, and further degrade to LOS F between 2015 and 2020. Mr. Dryden said that he thought the intersection of US 113 and North Bedford Street was more of an issue. Mr. Riegner replied that DelDOT has evaluated that intersection from a safety and capacity standpoint, and that a traffic signal at that location does not appear to be warranted.

Alternative Shifts

Todd Oliver then presented shifts to the US 113 on-alignment and west bypass alternatives. He noted that the same shifts were made to both yellow alternatives (options 1 and 2), as follows:

- Shifted the frontage road east of US 113 near East Redden Road to avoid a ditch.
- Extended the Wilson Road connection 250 feet to the east.
- Extended the point where the Edward Street overpass over US 113 will tie into existing Edward Street 950 feet to the east.
- Eliminated the southbound US 113 loop ramp to the Alms House Road/Speedway Road overpass.



- Extended the point where the Alms House Road/Speedway Road overpass over US 113 will tie into existing Alms House Road 550 feet to the west.

In response to David Baird's question, Mr. Oliver indicated that there will be impacts to properties along Edward Street in the area where the street must be elevated to cross over US 113.

Regarding shifts to all west bypass alternatives, Mr. Oliver noted the following:

- As with the on-alignment alternatives, the project team shifted the frontage road east of US 113 near East Redden Road to avoid a ditch.
- Added a frontage road extension for Chapel Road.
- Reconfigured the interchange at US 113 and Wilson Road.

Specific to the green alternative, the project team shifted the alignment east to reduce impacts to Alms House Ditch and reconfigured the interchange with Arrow Safety Road. Additional shifts to all of the west bypass alternatives may be needed when the wetland issues discussed during previous meetings are resolved.

Keith Moore expressed concern about the geometry of the Wilson Road interchange and its ability to accommodate Perdue trucks. In response to Guy Phillips's question, Mr. Oliver confirmed that access from southbound US 113 to Arrow Safety Road has been eliminated from the green alternative. Donna Atkinson asked whether these shifts have benefits in terms of wetland impacts; Mr. Oliver replied that any benefits will be determined after the resolution of wetland identification issues.

Carlton Moore asked why the project team is studying alternatives that don't work, and why the shifts being discussed were not identified earlier. Mr. Kramer emphasized that all of the alternatives do work; the team is refining them to make them as good as possible. Mr. Hite and Mike Simmons added that ongoing refinement of alternatives is part of the study process, and that it will continue as we work to improve all of the alternatives.

Joe Wutka then presented corresponding shifts made to the orange alternative:

- Shifted slightly to the south from the Norfolk Southern crossing to the Wilson Road overpass to avoid Redden State Forest.
- Shifted between Springfield Road and Sussex Pines Road to avoid the Governor Stockley Farm, which is potentially eligible for the National Register of Historic Places.

As with the west bypass alternatives, additional shifts may be needed when wetland issues are resolved.



David Pedersen asked which roads cross over US 113 and which are crossed over by the new bypass alignment. Mr. Wutka replied that in cases where property and resource impacts are minimal, it is less expensive and therefore more beneficial to place the new alignment at grade and cross the existing road over the new highway. An example is the crossing of Springfield Road. However, there are many circumstances where it is desirable to minimize impacts to resources and adjacent properties, such as at Cedar Lane. In those cases, the new alignment passes over the existing road. In addition, the new alignment must cross over railroads and the existing crossroads nearby; this can result in some substantial resource impacts, such as forest impacts near Downs Road.

Mr. Dryden asked about noise effects. Mr. Wutka said that most effects are concentrated within 600 to 800 feet of the alternative. Mr. Riegner provided the Federal criteria for noise impacts, which require us to identify areas where noise will exceed 1) 67 dBA, or 2) a 10 dBA increase over existing levels. The width of this “noise contour” will vary depending on elevation, trees, existing structures, and other factors. Mr. Hite emphasized that DelDOT provides noise mitigation where possible based on Federal and state guidelines.

Some working group members had concerns about the 600- to 800-foot figure, indicating that they can hear existing US 113 from 1/2 mile away. Mr. Kramer clarified that just because the noise impact contour is generally found within the 600- to 800-foot range doesn’t mean that the highway will not be heard outside that area.

Ms. Atkinson asked whether DelDOT has ever compensated owners of properties that are not directly impacted. Mr. Wutka replied that that is not DelDOT’s policy. He did, however, give the example of improvements along SR 896 south of Newark. A row of townhomes was purchased because portions of their yards were needed for roadway construction. Despite the fact that the highway was widened closer to these properties, increasing noise, the homes were resold at basically the same value after construction was completed.

Key Issues

Mr. Kramer said that the remainder of 2006 will be dedicated to addressing and resolving five key issues: wetlands, historic properties, rare, threatened and endangered species (RTEs), traffic, and socio-economic impacts.

Based on field review and consultation with the U.S. Army Corps of Engineers and other agencies, it has been determined that the GIS wetland mapping shown on the plans does not accurately reflect the actual extent of wetlands found in the field. This is primarily the result of many years of ditching, which has lowered the long-term groundwater levels in many areas. To ascertain these differences, the project team has walked every wetland along every alternative to view field conditions and modify the mapping. Over the next



several months, the team will work with the Corps to gain agreement on the mapping and make alternative shifts as appropriate.

Mr. Dryden asked how “walking” the alternatives can identify wetlands. Karl Kratzer provided a detailed explanation, including the following points:

- Three criteria must be in place for a site to be identified as a wetland: hydric soils (which are mapped and take centuries to develop), vegetation, and hydrology (the presence of water).
- The project team has noted fluctuations in the water table every month since last summer. There can be as much as eight feet of fluctuation over the course of a year, with the highest levels in late winter/early spring.
- In summary, in the areas in question, hydric soils are present and vegetation only marginally indicates wetlands. Everything hinges on hydrology, which is identified by “walking” the alternatives and taking soil samples.

Over the last few months, the project team has worked with the Corps, DNREC, and the Natural Resources Conservation Service to develop a methodology on how to deal with the effect of ditch drainage on wetland boundaries. Now that the agencies have concurred on that methodology, the project team is re-evaluating field conditions. Generally, the wetland areas will be smaller than currently shown on the mapping; however, impacts will not be eliminated. When the new mapping is completed, the alternatives will be shifted to first avoid, and then minimize wetland impacts to the greatest extent possible.

For unavoidable impacts, mitigation will be considered. Mr. Phillips asked whether the quality of a wetland affects the amount of mitigation required. Mr. Kratzer said that is definitely the case. In the case of a low-quality scrub/shrub wetland, mitigation may be only one acre of new wetland for each impacted acre of existing wetland. Newly-forested areas may be mitigated at a ratio of 2:1, with older forested areas requiring even greater mitigation.

Mr. Kramer then reviewed historic resource issues with the working group. Of the more than 1,100 potentially historic properties studied by the project team in the US 113 corridor, over 200 are in the Georgetown study area. To date, ten of those properties have been recommended as historically significant. The State Historic Preservation Office (SHPO) will take a substantial amount of time to review these reports and agree on eligibility of individual properties and the boundaries of those areas that are eligible. This is largely because this type of effort has never been undertaken in much of central Sussex County before.

Mr. Kramer emphasized the importance of this process in the selection of a preferred alternative. If an alternative directly impacts the boundary of a historic resource and cannot be shifted to avoid that resource, it is subject to Section 4(f) of the Transportation Act, which essentially prevents that alternative from being selected as long as there are



other alternatives that do not have 4(f) impacts. To avoid selecting a preferred alternative that has such a fatal flaw, the project team must complete its study and coordination with SHPO prior to identifying the preferred alternative.

As indicated by Mr. Kramer, the available mapping shows no Federally-listed RTEs; one, Swamp Pink, has been found by the project team in the Ellendale area. Additional consultation is required with Federal and state agencies to ensure that all RTE concerns are properly addressed.

Mr. Kramer also said that the project team is developing more detail on traffic-related issues to satisfy regulatory requirements. One item of particular concern is how making all of US 113 limited access could contribute to traffic growth in other study areas. Mr. Kramer also indicated that the project team continues to gather public input regarding all of the alternatives, allowing the team to accurately determine impacts to community cohesion, environmental justice, and business impacts.

In summary, Mr. Kramer said that more work remains to be done with respect to these five key issues, which have slowed the schedule. The project team understands that the public would prefer an answer sooner, but DelDOT needs to make sure its recommendation of a preferred alternative is based on a firm foundation of good background data and sound analysis.

Mr. Pedersen asked whether consolidation of the five remaining west bypass alternatives has been considered. Mr. Kramer said that because each has pros and cons, DelDOT is not willing to commit to just one or two at this point. Mr. Riegner added that when the Alternatives Retained for Detailed Study (ARDS) were identified in fall 2005, preliminary alternatives were only dropped for compelling reasons. None of the remaining west bypass alternatives have such compelling reasons.

Mr. Baird asked whether any of the remaining alternatives will be dropped if DelDOT finds an insurmountable issue. Mr. Hite said that as a matter of semantics, the project team will not drop any alternatives between the ARDS and the recommendation of a preferred alternative; all ARDS will be carried forward through the Draft Environmental Impact Statement (DEIS). However, as Mr. Kramer pointed out, the working group should understand that if a fatal flaw is identified on a particular alternative, that alternative will not ultimately be selected.

Issues Associated With Alternatives

Mr. Kramer explained that the lists of issues associated with each alternative are those that will be presented to the public at the June workshops. These should not just be considered pros and cons. The input of the working group members is important to ensure that DelDOT is accurately presenting these issues to the public for consideration.



Mr. Riegner presented the issues with the **yellow** alternatives:

- Two potential 4(f) impacts (Sea Coast Speedway and Bob Schaffer Automotive)
- Economic impact concerns
- Community cohesion concerns (“dividing the town in half”)

Mr. Dryden asked why Schaffer Automotive would be eligible for the National Register. Wade Catts responded that it is eligible under National Register Criterion C as a significant example of a type of automotive-related construction.

Carol Campbell-Hansen indicated that the Speedway is being privately developed, and asked whether that development would be feasible considering the property’s National Register eligibility. Mr. Kramer indicated that National Register eligibility does not generally effect private development in Sussex County; the standard for spending Federal money on public works projects is higher. Mr. Catts added that listing on the National Register is an honorary distinction for the owner and is no greater protection than simple eligibility.

Mr. Baird asked that the impacts to properties on Edward Street be added to the issues list for the yellow alternatives.

With respect to community concerns, Mr. Pedersen asked whether any other towns in the US 113 corridor are updating their comprehensive plans. Mr. Riegner indicated that Milford did so in 2004/2005, with the consideration that an east bypass, if selected, would generally serve as a growth boundary in the vicinity of SR 1.

Mr. Wutka presented the issues identified for the **orange** alternative:

- Six potential 4(f) impacts
- Wetland impacts to be determined based on new boundaries
- Impacts to the Town’s spray irrigation fields
- Concerns about the Savannah Road interchange spurring growth in an area where growth is not desirable
- Does not address traffic from SR 18/SR 404 and US 9 west of Georgetown
- May have undesirable traffic diversions to US 9 east of Georgetown

Mr. Pedersen asked how the orange alternative would add traffic to US 9 east of Georgetown. Mr. Riegner responded that in the future, SR 1 is projected to be so congested that some travelers will use US 113 to US 9 as an alternate. Ms. Atkinson then asked how traffic increases on US 9 would be dealt with, especially given that the orange alternative is the only one that will make traffic on US 9 east of Georgetown worse than the no-build condition. Mr. Hite said that the east-west study that DelDOT intends to pursue upon completion of the US 113 study will address that and other similar issues.



Short-term improvements at some of the key intersections on US 9 may also be appropriate.

Mr. Pedersen asked how the improvements the County is proposing to Park Avenue will fit in with the alternatives. Mr. Riegner replied that the relocation of Park Avenue is expected to occur regardless of which US 113 alternative is chosen. However, each of the on-alignment and west bypass alternatives provides a more direct route for traffic from the west on SR 404 and US 9 to access Park Avenue's US 9 truck route around Georgetown. On the other hand, the orange alternative will provide a more effective diversion for traffic from the north on US 113 headed for US 9 east.

Mr. Baird suggested that, given the Millsboro area's apparent preference for an eastern bypass, a continuous bypass connecting the Georgetown area orange alternative with the Millsboro east bypasses be considered. Mr. Hite said that such an option could be considered, but cautioned that such a long continuous bypass would be difficult to build in usable segments, making funding more difficult.

Mr. Riegner presented the issues identified for the **blue, green, gold, brown, and purple** alternatives:

- Two potential 4(f) impacts (Sea Coast Speedway and Bob Schaffer Automotive)
- Wetland impacts to be determined based on new boundaries
- Future community cohesion concerns; inconsistency with Livable Delaware (**blue and green** alternatives)
- Some concern about precluding future growth (**gold, brown, and purple** alternatives)
- Less effective traffic diversion than other bypass alternatives (**brown** alternative)

Carlton Moore expressed concern about the slow progress of the study, indicating that property owners affected by one or more of the alternatives are unable to move forward with plans for their land. Mr. Wutka said that in cases of hardship, DelDOT may consider compensation prior to selection of a preferred alternative. Mr. Moore requested a copy of that policy, which Mr. Hite agreed to provide. Furthermore, Mr. Hite said that such an advance acquisition process has been used for corridor capacity preservation along US 13 and SR 1. Mr. Kramer emphasized that DelDOT's purpose is to identify, select, and protect the selected corridor, not to build the project immediately.

Schedule

Mr. Kramer emphasized the balance DelDOT is trying to reach in the selection of a preferred alternative. If the project team doesn't move quickly, it does the public a disservice. However, if the team moves too quickly, we run the risk of having the decision overturned because the alternatives were not studied thoroughly. Keeping that balance in mind, the project team has proposed the following schedule:



- June 5, 2006: A public workshop will be held from 4:00 to 7:00 PM at the CHEER Center.
- September/October 2006: A flyer will be sent to the working group members summarizing the project team's progress over the summer.
- October/November 2006: Monthly meetings with the resource agencies will begin.
- January/February 2007: Reconvene the working groups and meet roughly monthly; the working group process cannot get ahead of the agency process.
- April/May 2007: Circulate the DEIS, either with or without a preferred alternative, depending on our progress with the agencies and working groups. The project team is doing everything it can to have a recommended preferred alternative for each study area in this time frame.
- May/June 2007: Hold the DEIS public hearing.

Mr. Kramer said that this schedule represents the best case; it is possible that the recommendation of a preferred alternative may not take place until fall 2007. There are no guarantees, because much of the schedule is dependent on agencies outside DelDOT. Mr. Kramer then outlined what would happen next:

- After the DEIS public hearing, it will likely take six to 12 months to complete a Final Environmental Impact Statement (FEIS), the approval of which is a Record of Decision (ROD) by the Federal Highway Administration.
- DelDOT will work with land use jurisdictions (the County and Towns) to protect the preferred alternative from development. Advance acquisition will be used where necessary if funds are available.
- DelDOT will submit a budget request for further design and right-of-way acquisition. Some acquisition funds have been identified for the next year so DelDOT is ready when a recommended preferred alternative is identified.

This schedule and ultimate funding for design, right of way, and construction are dependent on public and legislative support.

Ms. Atkinson asked whether, given current funding concerns, the General Assembly could reject the preferred alternative to select a less expensive option. Mr. Kramer replied that the project team is regularly briefing legislators to educate them about the regulatory process and to identify and address their concerns as early as possible.



Merrill Moore asked what will keep developers from building in the path of the preferred alternative. Mr. Hite responded that DelDOT is already working with local governments to protect the corridors for all alternatives; selection of a preferred alternative will carry more weight and allow DelDOT to use advance acquisition if necessary. He emphasized that advance acquisition requires a willing seller. In response to Mr. Baird's question, Mr. Hite said that formal protection can begin when a DEIS with a recommended preferred alternative is circulated.

Mr. Baird expressed concern that DelDOT is denying development approvals to protect US 113 alternative corridors. Mr. Kramer said that the development approval process is not on hold. Mr. Hite said that although there are a couple of properties for which DelDOT has not issued letters of no objection, DelDOT typically works with developers to find mutually beneficial solutions.

Mr. Dryden asked whether economic impacts are still being considered. Mr. Kramer replied that they are. Steve Landau, who presented to the working group earlier in the year, has been involved in the aforementioned agricultural economic impact analyses and is continuing to work on business impacts.

Mr. Kramer concluded by saying that the project team has made a lot of progress on long-term solutions in the US 113 study area. At the next meeting, safety-related short-term improvements will be presented. He then adjourned the meeting at 8:30 PM.

Working group members in attendance:

Atkinson, Donna
Baird, David
Buehl, Eric
Campbell-Hansen, Carol
Cooper, Mitch
Diehl, David
Dryden, Lit
Donovan, Martin
Gibbs, Matthew

Johnson, Harold
Johnson, Terry
Moore, Carlton
Moore, Keith
Moore, Merrill
Pedersen, David
Phillips, Guy
Simmons, Mike
Wright, Bruce

Members of the public in attendance:

None